IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 19369 of 2004

Between:

Kadiyala Venkata Krishnaiah S/o.Late Kondandaramaiah
R/o.Akkarajuvari Kandirage Bogo0lu Mandal, Nellore District.

..... PETITIONER

AND

1 The District Collector Nellore
2 The District Revenue Officer O/o.District Collectorate, Nellore.
3 The Mandal Revenue Officer Bogolu Mandal, Nellore District.
4 The Divisional Engineer Rural Water Supply
RWS Department, Government of A.P.Kavali, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ of Mandamus declaring the action of the 4th Respondent in trying to drill bore well in Akkarajukandriga Village particularly very nearer to the existing bore well in order to draw and supply the water to Chenchulakshmipuram Village, without obtaining any permission from the 1st Respondent as per relevant Sections and Rules specified in A.P.Water, Land and Trees Act 2002 as illegal improper, unjust, arbitrary and without jurisdiction and consequently direct the 4th respondent not to drill any bore well in Akkarajukandriga Village in order to draw and supply water to Chenchulakshmipuram Village.

Counsel for the Petitioner:MR.P.PHALGUNA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER

The petitioner is one of the villagers of Akkarajuvari Kandriga village, Bogolu Mandal, Nellore District. It is his case that there is a bore well in the village and the same is being used for drinking water and agricultural purpose of the villagers and the entire villagers are depending on the said bore well. It is his case that the fourth respondent-Divisional Engineer, Rural Water Supply is trying to drill a bore well adjacent to the said bore well by laying a pipeline to draw the water to Chenchulakshmipuram village. It is alleged that the proposed bore well is within the distance of 50Ft from the existing bore well. This writ petition is filed alleging that the action of the fourth respondent in trying to drill the bore well nearer to the existing bore well without obtaining permission from the District Collector is arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

It is to be seen that in the representation dated 9.10.2004 made by the Akkarajuvari Kandriga villagers to the District Collector-first respondent dated 9.10.2004 inter alia it is alleged that the fourth respondent is trying to drill a bore well to take away the water to Chenchulakshmipuram. The first respondent has endorsed the representation to the S.E., Rural Water Supply for examination and necessary action in the matter. In view of the same, the first respondent-District Collector shall consider the said representation and pass appropriate orders after calling for the report from the S.E. Rural Water Supply, within a period of two (2) months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

A. GOPAL REDDY. J.

27th October, 2004

tsr.

To

1 The District Collector Nellore
2 The District Revenue Officer O/o.District Collectorate, Nellore.
3 The Mandal Revenue Officer Bogolu Mandal, Nellore District.
4 The Divisional Engineer, Rural Water Supply
RWS Department, Government of A.P.Kavali, Nellore District.

5 Two CCs to Government Pleader for Revenue, High Court Buildings,
Hyderabad. (OUT).

4 Two CD copies.